

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASTRO M. SANTOS,	:	
<i>Plaintiff,</i>	:	
	:	
v.	:	CIVIL ACTION NO. 19-CV-0744
	:	
COMMISSARY STAFF,	:	
<i>Defendant.</i>	:	

ORDER

AND NOW, this 13th day of March 2019, upon consideration of *pro se* Plaintiff Castro M. Santos's Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 5), Prisoner Trust Fund Account Statement (ECF No. 6), and Complaint (ECF No. 1), it is

ORDERED that:

1. Leave to proceed *in forma pauperis* is **GRANTED**.
2. Santos, #NL-7410, shall pay the full filing fee of \$350.00 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by Santos, an initial partial filing fee of \$16.02 is assessed. The appropriate official at SCI Phoenix or at any other prison at which Santos may be incarcerated is directed to deduct \$16.02 from Santos's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 19-744. After the initial partial filing fee is collected and until the full filing fee is paid, the appropriate official at SCI Phoenix or at any other prison at which Santos may be incarcerated, shall deduct from Santos's account, each time that Santos's inmate trust fund account exceeds \$10.00, an amount no greater than 20 percent of the money credited to his account during the preceding

month and forward that amount to the Clerk of Court at the address provided above to be credited to Civil Action No. 19-744.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Superintendent of SCI Phoenix.

4. The Complaint is **DEEMED** filed.

5. The Complaint is **DISMISSED without prejudice** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons set forth in the Court's Memorandum.

6. Santos is given leave to file an amended complaint within thirty (30) days of the date of this Order if he can state a plausible claim for relief against a proper defendant. Any individual or entity that is not listed in the caption of the amended complaint will not be treated as a defendant. Any amended complaint must be a complete document that describes in detail the basis for Santos's claims against each defendant. If Santos does not know the identity of any of the individuals responsible, he may refer to them as Jane or John Does; however, Santos must still describe how these individuals violated his rights.¹ If Santos files an amended complaint, the Clerk shall not make service until so **ORDERED**.

7. The Clerk of Court is **DIRECTED** to send Santos a copy of this Court's form complaint to be used by a prisoner filing a civil rights action pursuant to 42 U.S.C. § 1983. The Clerk of Court shall write the civil action number of this case on the form. Santos may use this form to prepare his amended complaint.

¹ Without the name of at least one individual or entity, however, the Court will be unable to direct service of any amended complaint that Santos may file.

8. If Santos fails to file an amended complaint, his case may be dismissed without prejudice for failure to prosecute without further notice.

BY THE COURT:

/s/ Gerald J. Pappert

GERALD J. PAPPERT, J.